

Version with Markings to Show Changes Made

22. (Amended) A method of recording a conversation, comprising:
activating speakerphone operation of a near end telephone system;
[and]
playing back a voice message recorded on said near end telephone
system while a telephone call is established; and
while said speakerphone operation is activated, recording a
conversation utilizing said speakerphone.

REMARKS

Claim 22 is amended herein. Claims 1-22 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claim 22 over D'Agosto

In the Office Action, claim 22 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by D'Agosto III et al., U.S. Patent No. 4,790,002 ("D'Agosto"). The Applicants respectfully traverse the rejection.

Claim 22 recites, inter alia, playing back a voice message recorded on a near end telephone system while a telephone call is established and while a speakerphone operation is activated, recording a conversation utilizing the speakerphone.

D'Agosto appears to disclose a combined telephone-dictation terminal (Abstract). A record/playback module comprises a desk-top dictating machine and is adapted to carry out typical dictating functions by which audio messages may be recorded (D'Agosto, col. 10, lines 31-34). The record/playback module is used to record and playback signals on a telephone line (D'Agosto, col. 17, lines 17-45). The record/playback module is capable of cooperating with a transceiver to function as a telephone answering machine, to record telephone-transmitted dictation from a remote location or to record a telephone conversation (D'Agosto, col. 10, lines 55-60).

D'Agosto discloses a record/playback module functioning as a telephone answering machine, to record telephone-transmitted dictation from a remote location or to record a telephone conversation. The record/playback module is able to perform three functions, one at a time through the use of a single record/playback module. D'Agosto teaches away from performing a playback function in conjunction with a record function, much less playing back a voice message recorded on a near end telephone system while a telephone call

is established and while a speakerphone operation is activated, recording a conversation utilizing the speakerphone, as recited by claim 22.

An advantage of being able to playback a voice message while recording a conversation using a speakerphone is, e.g., to create a record of a response to a voice message. A person listening to a voice message may comment on the voice message while a conversation is taking place. Being able to record a listener's response to a voice message while it is playing prevents the listener from later denying a response after having time to think about what was said. The cited prior art fails to disclose, teach or suggest such an advantage.

Accordingly, for at least all the above reasons, claim 22 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1-3, 7, 9-11, 16 and 19 over Sacca in view of D'Agosto

In the Office Action, claims 1-3, 7, 9-11, 16 and 19 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca, U.S. Patent No. 5,692,042 ("Sacca") in view of D'Agosto. The Applicants respectfully traverse the rejection.

Claims 1-3, 7 and 9-11 recite, *inter alia*, a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone. Claims 16 and 19 recite, *inter alia*, injecting an electrical signal corresponding to a played back voice message into a telephone call such that individual users at either end of the telephone call can hear the played voice message and concurrently converse with one another as desired and recording an incoming voice signal associated with said telephone call during a conversation on a speakerphone.

Sacca appears to disclose a speakerphone which employs non-linear amplifiers to compress transmit and receive signal (Abstract). Level detectors determine levels of the compressed transmit and receive signal (Sacca, Abstract). Selector switches permit the connection of a combined source

signal and a signal from a handset microphone for transmission to a telephone line (Sacca, col. 8, lines 39-43). The combined source signal carries one or more alternate signal sources, e.g., tape playback, tones, synthesized speech, etc. for transmission over the telephone line (Sacca, col. 8, lines 43-49).

The Office Action correctly acknowledged that Sacca fails to disclose a recording module adapted to record a receive signal from a telephone line during a conversation on a speakerphone (Office Action, page 3). However, the Office Action relies on D'Agosto to allegedly make up for the deficiencies in Sacca to arrive at the claimed invention. The Applicants respectfully disagree.

As discussed above, D'Agosto appears to disclose a combined telephone-dictation terminal (Abstract). A record/playback module comprises a desk-top dictating machine and is adapted to carry out typical dictating functions by which audio messages may be recorded (D'Agosto, col. 10, lines 31-34). The record/playback module is used to record and playback signals on a telephone line (D'Agosto, col. 17, lines 17-45). The record/playback module is capable of cooperating with a transceiver to function as a telephone answering machine, to record telephone-transmitted dictation from a remote location or to record a telephone conversation (D'Agosto, col. 10, lines 55-60).

As discussed above, D'Agosto discloses a record/playback module functioning as a telephone answering machine, to record telephone-transmitted dictation from a remote location or to record a telephone conversation. The record/playback module is able to perform three functions, one at a time through the use of a single record/playback module. D'Agosto **teaches away** from performing a record function **in conjunction with** a playback function, much less recording a receive signal and an incoming voice signal, in conjunction with combining a message playback signal and a played back voice message with a telephone signal, as recited by claims 1-3, 7, 9-11, 16 and 19.

Accordingly, for at least all the above reasons, claims 1-3, 7, 9-11, 16 and 19 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 4 over Sacca in view of D'Agosto and Horan

In the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca in view of D'Agosto, and further in view of Horan, U.S. Patent No. 6,347,136 ("Horan"). The Applicants respectfully traverse the rejection.

Claim 4 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claims 4 recites, *inter alia*, a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone.

As discussed above, Sacca in view of D'Agosto fails to disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 4.

The Office Action relies on Horan to allegedly make up for the deficiencies in Sacca to arrive at the claimed invention. The Applicants respectfully disagree.

Horan appears to teach a calling party announcement apparatus and method for providing an identity of a caller in a non-synthesized, pre-recorded human speech (Abstract). The calling party announcement apparatus further includes an answering machine (Horan, col. 3, line 51-55). The calling party announcement apparatus outputs the identity information to a telephone speakerphone (Horan, col. 5, lines 18-21).

Horan teaches an answering machine. Answering machines utilize a record module to record an incoming message from a caller **NOT** a record module recording a conversation on a speakerphone, much less a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined

with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 4.

Neither Sacca, D'Agosto nor Horan, either alone or in combination, disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 4.

Accordingly, for at least all the above reasons, claim 4 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 5 over Sacca in view of D'Agosto, Horan and Li

In the Office Action, claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca in view of D'Agosto and Horan, and further in view of Li, U.S. Patent No. 5,612,996 ("Li"). The Applicants respectfully traverse the rejection.

Claim 5 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 5 recites, *inter alia*, a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone.

As discussed above, neither Sacca, D'Agosto nor Horan, either alone or in combination, disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 5.

The Office Action relies on Li to allegedly make up for the deficiencies in Sacca and Horan to arrive at the claimed invention. The Applicants respectfully disagree.

Li appears to teach a loop gain processing scheme for a speakerphone (Abstract). A system loop gain is determined according to two echo feedback paths within the speakerphone system (Li, Abstract). Li teaches the prior art had used a gain module comprised of an automatic gain control in conjunction with a receive channel gain adjustment (Li, Fig. 1; col. 3, lines 44-52).

Li teaches gain control for a speakerphone. Li fails to disclose a record module adapted to record a receive signal from a telephone line during a conversation on a speakerphone, much less a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 5.

Neither Sacca, Horan nor Li, either alone or in combination, disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 5.

Accordingly, for at least all the above reasons, claim 5 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 12-15, 17 and 20 over Sacca in view of D'Agosto and Li

In the Office Action, claims 6, 12-15, 17 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca in view of D'Agosto, and further in view of Li. The Applicants respectfully traverse the rejection.

Claims 6, 12 and 13 are dependent on claim 1, and are allowable for at least the same reasons as claim 1.

Claims 6, 12 and 13 recite, *inter alia*, a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive

signal by a summer while allowing simultaneous hearing by a local user of the speakerphone.

As discussed above, neither Sacca nor D'Agosto, either alone or in combination, disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as claimed by claims 6, 12 and 13.

The Office Action relies on Li to allegedly make up for the deficiencies in Sacca and Horan to arrive at the claimed invention. The Applicants respectfully disagree.

As discussed above, Li fails to disclose recording a receive signal from a telephone line during a conversation on a speakerphone, much less a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 6, 12 and 13.

Neither Sacca, D'Agosto nor Li, either alone or in combination, disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claims 6, 12 and 13.

Claims 14, 15, 17 and 20 recite, *inter alia*, summing a playback message signal together with a hybrid echo canceled signal at a point in a receive path after a summer and recording a receive signal during a conversation on a speakerphone.

As discussed above, neither Sacca nor D'Agosto, either alone or in combination, disclose, teach or suggest a playback message signal used in conjunction with recording a receive signal, as recited by claims 14, 15, 17 and 20.

As discussed above, Li fails to disclose a record module adapted to record a receive signal from a telephone line during a conversation on a speakerphone, much less disclose, teach or suggest recording a receive signal while playing back a message signal, as recited by claims 14, 15, 17 and 20.

Neither Sacca, D'Agosto nor Li, either alone or in combination, disclose, teach or suggest summing a playback message signal together with a hybrid echo canceled signal at a point in a receive path after a summer and recording a receive signal during a conversation on a speakerphone, as recited by claims 14, 15, 17 and 20.

Accordingly, for at least all the above reasons, claims 6, 12-15, 17 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 8 over Sacca in view of D'Agosto and Li2

In the Office Action, claim 8 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca in view of D'Agosto, and further in view of Li, U.S. Patent No. 5,646,990 ("Li2"). The Applicants respectfully traverse the rejection.

Claim 8 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 8 recites, *inter alia*, a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone.

As discussed above, Sacca and D'Agosto, either alone or in combination, fail to disclose, teach or suggest a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 8.

The Office Action relies on Li2 to allegedly make up for the deficiencies in Sacca and D'Agosto to arrive at the claimed invention. The Applicants respectfully disagree.

Li2 appears to disclose a system and method for eliminating howling due to sudden changes in the acoustic echo path between a speakerphone microphone and a loudspeaker (Abstract). An automatic gain control module and a scale factor is located before a D/A converter (Li2, Fig. 2).

Li2 discloses an automatic gain control for a speakerphone. Li2 fail to disclose, teach or suggest recording a receive signal from a telephone line during a conversation on a speakerphone, much less a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 8.

Neither Sacca, D'Agosto nor Li2, either alone or in combination, disclose, teach or suggest recording a receive signal from a telephone line during a conversation on a speakerphone, much less a record module that is adapted to record a receive signal from a telephone line during a conversation on a speakerphone where a message playback signal is combined with a receive signal by a summer while allowing simultaneous hearing by a local user of the speakerphone, as recited by claim 8.

Accordingly, for at least all the above reasons, claim 8 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 18 and 21 over Sacca in view of D'Agosto and Knuth

In the Office Action, claims 18 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca in view of D'Agosto, and further in view of Knuth, U.S. Patent No. 5,768,349 ("Knuth"). The Applicants respectfully traverse the rejection.

Claims 18 and 21 are dependent on claim 14, and are allowable for at least the same reasons as claim 14.

Claims 18 and 21 recite, *inter alia*, summing a playback message signal together with a hybrid echo canceled signal at a point in a receive path after a summer and recording a receive signal during a conversation on a speakerphone.

As discussed above, Sacca and D'Agosto, either alone or in combination, fail to disclose, teach or suggest summing a playback message signal together with a hybrid echo canceled signal at a point in a receive path after a summer and recording a receive signal during a conversation on a speakerphone, as recited by claim 8.

The Office Action relies on Knuth to allegedly make up for the deficiencies in Sacca and D'Agosto to arrive at the claimed invention. The Applicants respectfully disagree.

Knuth appears to disclose a digital telephone answering device that allows messages to be forwarded to certain internal mailboxes (Abstract). Messages can be moved or re-assigned from a common message area to a certain mailbox or mailboxes (Knuth, Abstract). The telephone answering device includes speakerphone capability (Knuth, col. 8, lines 44-55).

Knuth discloses an automatic gain control for a speakerphone. Knuth fail to disclose, teach or suggest recording a receive signal from a telephone line during a conversation on a speakerphone, much less summing a playback message signal together with a hybrid echo canceled signal at a point in a receive path after a summer and recording a receive signal during a conversation on a speakerphone, as recited by claim 8.

Neither Sacca, Knuth nor Li2, either alone or in combination, disclose, teach or suggest summing a playback message signal together with a


hybrid echo canceled signal at a point in a receive path after a summer and recording a receive signal during a conversation on a speakerphone, as recited by claim 8.

Accordingly, for at least all the above reasons, claim 8 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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